

1 WHEREAS, the Court entered its Memorandum and Order re Carson's Motion to Dismiss
2 Third Amended Complaint and Motion to Strike on February 16, 2011. Docket No. 61 (the "Order");

3 WHEREAS, in the Order, all causes of action against Carson were dismissed except the Cal.
4 Civ. Code § 52.1 claim as it relates to free speech rights [Count 10] and the Cal. Civ. Code § 51.7 claim
5 [Count 11];

6 WHEREAS, Carson's Motion to Strike the Prayer for Relief for a civil penalty of \$25,000 for
7 each violation of rights under Cal. Civ. Code § 52.1 was also granted;

8 WHEREAS, Defendant Parra-Bello was not served with the TAC until after the Court had
9 entered its Order;

10 WHEREAS, Carson and Parra-Bello would have filed a joint Motion to Dismiss/Motion to
11 Strike had Parra-Bello been served with the TAC by the time that Carson was required to respond to
12 the TAC;

13 WHEREAS, the parties wish to avoid a waste of judicial resources by re-filing a Motion to
14 Dismiss Third Amended Complaint and Motion to Strike on behalf of Parra-Bello to obtain the same
15 result as that already rendered by the Court in her Order;

16 WHEREAS, the parties agree that by entering into this stipulation, Ennis is in no way is
17 waiving his rights to appeal the rulings in the Order to the 9th Circuit Court of Appeals;

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by their
19 respective counsel, that the TAC, as modified by the Order, shall be the operative pleading against
20 Parra-Bello such that the only remaining claims against him as pleaded by Plaintiff Ennis are the Cal
21 Civ. Code § 52.1 claim as it relates to free speech rights and the Cal. Civ. Code § 51.7 claim, and the
22 civil penalty of \$25,000 for each violation of rights under Cal Civ. Code § 52.1 is stricken and that by
23 entering into this stipulation, Ennis is in no way waiving his rights to appeal the rulings in the Order to
24 the 9th Circuit Court of Appeals.

25 **IT IS SO STIPULATED.**

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1 Dated: May 11, 2011

ANASTASSIOU & ASSOCIATES

2 By: /s/
3 Effie F. Anastassiou, Esq.
4 Attorneys for Defendants,
Carson & Barnes Circus and Gustavo Parra-Bello

5 Dated: May 11, 2011

LAW OFFICE OF DAVID J. BEAUVAIS

6 By: /s/
7 David J. Beauvais
8 Attorney for Plaintiff, Mark Ennis

ORDER

9 The parties hereto having so stipulated, and good cause appearing therefor, IT IS HEREBY
10 ORDERED that the TAC, as modified by this Court's Memorandum & Order Re: Defendant Carson &
11 Barnes Circus' Motion to Dismiss Third Amended Complaint and Motion to Strike (Docket No. 61,
12 filed on February 16, 2011) shall be the operative pleading against Defendant Gustavo Parra-Bello such
13 that the only remaining claims against him as pleaded by Plaintiff Ennis are the Cal Civ. Code § 52.1
14 claim as it relates to free speech rights and the Cal. Civ. Code § 51.7 claim, and the civil penalty of
15 \$25,000 for each violation of rights under Cal Civ. Code § 52.1 is stricken.

16 IT IS FURTHER ORDERED that by entering into the stipulation, Ennis in no way waived his
17 rights to appeal the Order (Docket No. 61) to the 9th Circuit Court of Appeals.

18 SO ORDERED.

19 Dated: 5/13/2011



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21 Bello.wpd